रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उपखण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 253] नई दिल्ली, रविवार दिसम्बर 18, 1966/अग्रहायण 27, 1888
No. 253] NEW DELHI, SUNDAY DECEMBER 18, 1966/AGRAHAYANA 27, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 16th December 1966

G.S.R. 1929.—In pursuance of the powers conferred by section 33 of the Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966), the Central Government, after consultation with the Chief Election Commissioner, hereby makes the following rules, namely:—

PART I
PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu (Opinion Poll) Rules, 1966.

(2) They shall come into force at once.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa, Daman and Diu (Opinion Poll) Act, 1966 (38 of 1966);

(b) "ballot box" includes any box, bag or other receptacle used for the insertion of ballot paper by voters;

(c) "counting agent" in relation to a political party means any counting agent appointed under rule 37;

(d) "elector on poll duty" means any polling agent, any polling officer, presiding officer or other public servant, who is an elector and is by reason of his being on poll duty unable to vote at the polling station where he is entitled to vote;

(e) "Form" means a Form appended to these rules, and includes a translation thereof in the language or any of the languages used for official purposes of the Union territory;

(f) "marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of recording the serial numbers of ballot papers issued to electors at the opinion poll;

(g) "political party" means any of the following political parties:—

(i) the Indian National Congress;

(ii) the Frente Populare;

(iii) the Maharashtrawadi Gomantak;

(iv) the United Goans;

(h) "poll commissioner" means the opinion poll commissioner appointed under section 7 and includes the assistant opinion poll commissioner appointed under section 8;

(i) "polling agent" in relation to a polling station means any of the polling agents appointed, by a political party, under rule 4 for that polling station;

(j) "polling station" means the place provided under section 11 for conducting the opinion poll;

(k) "presiding officer" includes any polling officer performing any of the functions of a presiding officer under sub-section (2) or sub-section (3) of section 12;

(l) "section" means a section of the Act;

(m) "service voter" means any person who is required to give his vote by postal ballot under clause (a) of section 21.

PART II

GENERAL PROVISIONS

3. **Public notice of intended opinion poll.**—On the issue of a notification under section 16, the poll commissioner shall give public notice of the intended opinion poll in Form 1 and shall publish it in such manner as he thinks fit.

4. **Appointment of polling agents.**—(1) Every political party may appoint one polling agent and two relief agents at each polling station.

(2) Every such appointment shall be made in Form 2 and shall be signed either by the President or the General Secretary of the political party and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

5. **Publication of hours fixed for polling.**—The hours fixed for the opinion poll under section 17 shall be published by notification in the Official Gazette of the Union territory.

6. **Voting normally to be in person.**—Save as hereinafter provided, all electors voting at the opinion poll shall do so in person at the polling station provided for them under section 11:

Provided that an elector on poll duty may vote at any other polling station subject to his complying with the provisions of rule 7.

7. **Electors on poll duty.**—Every elector on poll duty shall send an application in Form 3 to the poll commissioner so as to reach him at least four days, or such lesser period as the poll commissioner may allow, before the date of poll and if the poll commissioner is satisfied that the applicant is on poll duty, he shall—

(a) issue to the applicant a poll duty certificate in Form 4;

(b) mark 'PDC' against his name in the marked copy of the electoral roll to indicate that the poll duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

PART III

POSTAL BALLOT

8. **Persons entitled to vote by post.**—Service voters and electors under preventive detention shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post.

9. **Electors under preventive detention.**—(1) The Administrator shall, within 15 days of the issue of the notification under section 16, ascertain and intimate to the poll commissioner the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.

(2) Any elector subjected to preventive detention may, within 15 days of the issue of notification under section 16, send an intimation to the poll commissioner that he wishes to vote by post, specifying his name, address and place of detention.

(3) The poll commissioner shall issue a postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or sub-rule (2).

10. **Form of ballot paper.**—(1) A postal ballot paper shall be in the same form as the ordinary ballot paper with the words "postal ballot paper" stamped on the reverse.

11. **Issue of ballot paper.**—(1) A postal ballot paper shall be sent by post under certificate of posting to the voter together with—

(a) a declaration in Form 5;

(b) a cover in Form 6;

(c) a large cover addressed to the poll commissioner in Form 7; and

(d) instructions for the guidance of the electors in Form 8.

(2) The poll commissioner shall at the same time—

(a) record the serial number of each ballot paper against the entry relating to that elector in the marked copy of the electoral roll; and

(b) ensure that the elector is not allowed to vote at a polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay.

(4) After ballot papers have been issued to all the electors entitled to vote by post, the poll commissioner shall seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant part of the marked copy to the several presiding officers for recording the serial numbers of ballot papers issued to the electors at the polling stations.

12. **Recording of vote.**—(1) An elector who has received a postal ballot paper and decides to vote shall record his vote on the ballot paper in accordance with the directions contained in Form 8, and then close it in cover in Form 6.

(2) The elector shall sign the declaration in Form 5 in the presence of and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been identified—

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of an elector under preventive detention, the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention.

13. **Return of ballot paper.**—(1) After an elector has recorded his vote and made his declaration under rule 12 he shall return the ballot paper and declaration to the poll commissioner in accordance with the instructions communicated to him in Form 8 so as to reach the poll commissioner before the hour fixed for the close of the poll on the date or the last of the dates fixed for such poll.

(2) If any cover containing a postal ballot paper is received by the poll commissioner after the expiry of the time fixed in sub-rule (1), he shall note thereon the date and time of its receipt and shall keep all such covers together in a separate packet.

(3) The poll commissioner shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.

PART IV

VOTING IN THE OPINION POLL

14. **Design of ballot boxes.**—The ballot boxes to be used at the opinion poll shall be of the design approved by the Election Commission for use at the Parliamentary and Assembly Elections in the Union territory.

15. **Form of ballot papers.**—Every ballot paper shall be in such form, and the particulars therein shall be in such language or languages, as the Chief Election Commissioner may direct.

16. **Arrangements at polling stations.**—(1) Outside each polling station there shall be displayed prominently a notice specifying the polling area the electors of which are entitled to vote at the polling station, and if the polling area has more than one polling station, the particulars of the electors so entitled.

(2) At each polling station there shall be set up one or more voting compartments in which electors can record their votes screened from observation.

(3) The poll commissioner shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers.

17. **Admission to polling stations.**—The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

(a) poling officers;

(b) public servants on duty in connection with the opinion poll;

(c) persons authorised by the Chief Election Commissioner;

(d) one polling agent of each political party;

(e) a child in arms accompanying an elector;

(f) a person accompanying a blind or infirm elector who cannot move without help;

(g) such other persons as the poll commissioner or the presiding officers may employ under sub-rule (2) of rule 20 or sub-rule (1) of rule 21.

18. **Preparation of ballot boxes for poll.**—(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter affix the paper seal, shall sign in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper therein remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seals.

(4) Every ballot box used at a polling station shall bear labels both inside and outside, marked with—

(a) the serial number and name of the polling station;

(b) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and

(c) the date of the poll.

(5) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the polling agents and the persons present that the ballot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

19. **Marked copy of electoral roll.**—Immediately before the commencement of the poll, the presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entries other than those made in pursuance of clause (b) of rule 7 and clause (a) of sub-rule (2) of rule 11.

20. **Facilities for women electors.**—(1) Where the polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The poll commissioner or the presiding officer may appoint a woman to serve as attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors and in particular to help in searching any woman elector in case it becomes necessary.

21. **Identification of electors.**—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

22. **Facilities for public servants on poll duty.**—(1) The provisions of rule 21 shall not apply to any person who produces at the polling station a poll duty certificate in Form 4 and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate, the presiding officer shall—

(a) obtain thereon the signature of the person producing it;

(b) have the person's name entered at the end of the marked copy of the electoral roll; and

(c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at that polling station.

23. **Challenge of identity.**—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall—

(a) warn the person challenged of the penalty for personation;

(b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;

(c) enter his name and address in the list of challenged votes in Form 9; and

(d) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath; and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

24. **Safeguards against personation.**—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

25. **Issue of ballot papers to electors.**—(1) Every ballot paper shall before issue to an elector be stamped with such distinguising mark as the Chief Election Commissioner may direct.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the marked copy of the electoral roll.

(3) Save as provided in sub-rule (2), no person in the polling station shall note down the serial number of the ballot papers issued to particular electors.

26. **Voting procedure.**—(1) The elector on receiving the ballot paper shall forthwith—

(a) proceed to the voting compartment, and if there are more than one voting compartment, to one of the voting compartments,

(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol for which he intends to vote,

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the presiding officer the distinguishing mark on the ballot paper,

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

(2) No elector shall be allowed to enter a voting compartment when another elector is inside it.

27. **Recording of votes of blind or infirm electors.**—(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The presiding officer shall keep a record in Form 10 of all cases under this rule.

28. **Spoilt and returned ballot papers.**—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

29. **Tendered votes.**—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form 11.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that it shall be—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the presiding officer who shall place it in a cover specially kept for the purpose.

30. **Close of poll.**—(1) The presiding officer shall close a polling station at the hours fixed in that behalf under section 17 and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

31. **Sealing of ballot boxes after poll.**—As soon as practicable after the closing of the poll the presiding officer shall close the slit of the ballot box.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

32. **Account of ballot papers.**—(1) The presiding officer shall at the close of the poll prepare a ballot paper account in Form 12 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The presiding officer shall permit any polling agent who so desires to take a true copy of the entries made in the ballot paper account and shall attest it as a true copy.

33. **Sealing of other packets.**—(1) The presiding officer shall then make into separate packets—

(a) the marked copy of the electoral roll;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list in Form 11;

(e) the list of challenged votes; and

(f) any other papers directed by the Chief Election Commissioner to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and of those polling agents present who may desire to affix their seals thereon.

34. **Transmission of ballot boxes, etc. to the poll commissioner.**—(1) The presiding officer shall then deliver or cause to be delivered to the poll commissioner at such place as the poll commissioner may direct—

(a) the ballot boxes referred to in rule 31;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 33; and

(d) all other papers used at the poll.

(2) The poll commissioner shall make adequate arrangements for the safe transport of ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

35. **Procedure on adjournment of poll.**—(1) If the poll at any polling station is adjourned under sub-section (1) of section 18, provisions of rules 31 to 34 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 17.

(2) When an adjourned poll is recommended under sub-section (2) of section 18, the electors who have already voted at the opinion poll shall not be allowed to vote again.

(3) The poll commissioner shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.

(4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for recording the serial numbers of the ballot papers issued to electors at the adjourned poll.

(5) The provisions of rules 14 to 34 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

PART V

COUNTING OF VOTES

36. **Time and place for counting of votes.**—The counting of votes under section 24 shall commence at 9 a.m. on the date next succeeding the date of poll and be done at such place as the poll commissioner may appoint; and the poll commissioner shall, at least two days before the date of poll, give public notice of the date, time and place of counting:

Provided that if, for any reason, the poll commissioner finds it necessary so to do, he may, with the approval of the Chief Election Commissioner, alter the date, time and place so fixed, or any of them, and give public notice of the alteration.

37. **Appointment of representatives and counting agents by political parties.**—(1) Every political party may appoint a representative to be present at the time of counting as provided in section 24, and may also appoint not more than fifteen counting agents for the same purpose.

(2) Every such appointment shall be made in Form 13 and shall be signed either by the President or the General Secretary of the political party and shall be made over to the representative or counting agent for production before the poll commissioner not later than one hour before the time fixed for the commencement of counting under rule 36.

38. **Admission to the place fixed for counting.**—(1) The poll commissioner shall exclude from the place fixed for counting of votes all persons except—

(a) such persons as he may appoint to assist him in the counting;

(b) persons authorised by the Chief Election Commissioner;

(c) public servants on duty in connection with the poll; and

(d) representatives and counting agents appointed by political parties.

(2) The poll commissioner shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.

(3) Any person who during the counting of votes misconduct himself or fails to obey the lawful directions of the poll commissioner may be removed from the place where the votes are being counted by the poll commissioner or by any police officer on duty or by any person authorised in this behalf by the poll commissioner.

39. **Maintenance of secrecy of voting.**—The poll commissioner shall before he commences the counting read the provisions of section 30 of the Act and section 128 of the Representation of People Act, 1951, to such persons as may be present.

40. **Counting of votes received by post.**—(1) The poll commissioner shall first deal with the postal ballot papers in the manner hereinafter provided.

(2) No cover in Form 7 received by the poll commissioner after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the poll commissioner shall first scrutinise the declaration in Form 6 contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested or is otherwise substantially defective, or if the serial number of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 6, that cover shall not be opened, and after making an appropriate endorsement thereon, the poll commissioner shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 7 and all such covers in Form 7 shall be kept in a separate packet which shall be sealed and on which shall be recorded the date of counting and a brief description of its contents.

(6) The poll commissioner shall then place all the declarations in Form 5 which he has found to be in order in a separate packet which shall be sealed before any cover in Form 6 is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 6 not already dealt with under the foregoing provisions of this rule shall then be opened one after another and the poll commissioner shall scrutinise each ballot paper and decide the validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

(a) if no vote is recorded thereon; or

(b) if the vote is recorded on or near both the symbols; or

(c) if it is a spurious ballot paper; or

(d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(e) if it is not returned in the cover sent along with it to the elector by the poll commissioner.

(9) A vote recorded on a postal ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful whether the vote is for merger or for Union territory.

(10) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for merger or for Union territory clearly appears from the way the paper is marked.

(11) The poll commissioner shall count all the valid votes given by postal ballot for merger and for Union territory, record the total thereof in the result sheet in Form 14 and announced the same.

(12) Thereafter, all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the poll commissioner and of such of the counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the date of counting and a brief description of its contents.

41. **Scrutiny and opening of ballot boxes.**—(1) The poll commissioner may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at the table shall be allowed to inspect the paper seal and to satisfy themselves that it is intact.

(3) The poll commissioner shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the poll commissioner is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in section 25 in respect of that polling station.

42. **Counting of votes.**—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The poll commissioner shall reject a ballot paper—

(a) if it bears any mark on writing by which the elector can be identified, or

(b) if it bears no mark at all or bears a mark made otherwise than with the instrument supplied for the purpose, or

(c) if votes are recorded on or near both the symbols, or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful whether the vote is for merger or for Union territory, or

(e) if it is a spurious ballot paper, or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or

(g) if it bears a serial number or is of a design different from the serial number or, as the case may be, the design of the ballot paper authorised for use at the particular polling station, or

(h) if it does not bear the distinguishing mark which it should have borne under sub-rule (1) of rule 25:

Provided that where the poll commissioner is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention of the voter clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the poll commissioner shall allow the representatives of the political parties present at his table a reasonable opportunity to inspect the ballot paper but shall not allow them to handle it or any other ballot paper.

(4) The poll commissioner shall endorse on every ballot paper which he rejects the letter 'R' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp, and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the poll commissioner shall make the entries in a result sheet in Form 14 and announce the particulars.

43. **Sealing of used ballot papers.**—The valid ballot papers and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seal of the poll commissioner and of such representatives of the political parties as may desire to affix their seals thereon and on the packets so sealed shall be recorded the particulars of the polling station where the ballot papers have been used.

44. **Counting to be continuous.**—The poll commissioner shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the poll sealed with his own seal and the seals of such counting agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

45. **Recommencement of counting after fresh poll.**—(1)If a fresh poll is held under section 19, the poll commissioner, shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given.

(2) The provisions of rules 42 and 43 shall apply, as far as may be, to such further counting.

46. **Declaration of the results.**—(1) When the counting has been completed, the poll commissioner shall ascertain the total number of votes polled for merger and for Union territory, announce the same and record it in the result sheet in Form 14.

(2) The poll commissioner shall then, unless otherwise directed by the Chief Election Commissioner, certify the result of the opinion poll in Form 15A or in Form 15B, as may be appropriate, declare the same and send signed copies thereof to the Chief Election Commissioner and to the Administrator.

PART VI

Miscellaneous

47. **Custody of ballot papers relating to the poll.**—The poll commissioner shall keep in safe custody the packets of unused ballot papers, the packets of used ballot papers, whether valid, tendered or rejected, and all other papers relating to the poll.

48. **Production and inspection of poll papers.**—While in the custody of the poll commissioner:—

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of the marked copy of the electoral roll; and

(d) the packets of the declarations by electors and the attestation of their signatures;

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of the Chief Election Commissioner.

49. **Disposal of poll papers.**—Subject to any directions to the contrary given by the Chief Election Commissioner, all papers referred to in rule 48 shall be retained for aa period of two years and shall thereafter be destroyed.

50. **Application of rules 98 and 99 of the Conduct of Elections Rules, 1961.**—The provisions of rules 98 and 99 of the Conduct of Elections Rules, 1961, shall apply in relation to requisitioning of any premises, vehicle, vessel or animal in connection with the opinion poll as they apply in relation to requisitioning of any premises, vehicle, vessel or animal under section 160 of the Representation of the People Act, 1951, in connection with an election in the Union territory.

FORM 1

NOTICE OF OPINION POLL

(*See* rule 3)

Notice is hereby given that—

(1) an opinion poll is to be held for the purpose of ascertaining the wishes of the electors of

*Goa / *Daman and Diu as to whether *Goa / *Daman and Diu

hould merge in the State of *Maharashtra / *Gujarat or should continue to be a Union territory ;

(2) the poll will be taken on ———— between the hours ———— and ————

Place ————

Date ————

Opinion Poll Commissioner

*Strike out the portion not applicable.

FORM 2

APPOINTMENT OF POLLING AGENT

(*See* rule 4)

Opinion Poll in *Goa / *Daman and Diu

I, President / General Secretary, of, ———— Party do hereby appoint Shri ———— of ———— as a polling agent to attend polling Station No. ————

Place ————

Date ————

Signature of President / General Secretary

I agree to act as such polling agent.

Place ————

Date ————

Signature of polling agent.

DECLARATION OF POLLING AGENT TO BE SIGNED BEFORE PRESIDING OFFICER

I hereby declare that at the above opinion poll I will not do anything forbidden by @section 128 of the Representation of the People Act, 1951 as made applicable by section 30 of the Goa, Daman and Diu (Opinion Poll) Act, 1966,* which I have read/has been read over to me.

Date———— Signature of polling agent————

Signed before me.

Date———— Signature of Presiding Officer————

*Strike out the portion not applicable.

@Section 128 of the Representation of the People Act, 1951 and Section 30 of the Goa, Daman and Diu (Opinion Poll) Act, 1966 (reproduced below)

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

* * * * *

128. *Maintenance of Secrecy of Voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

* * * * * *

EXTRACT FROM THE GOA, DAMAN AND DIU (OPINION POLL) ACT, 1966.

* * * * * *

30. *Other electoral Officers.*—The provisions of sections 125 to 132 and 134 to 136 of the Representation of the People Act, 1951, (43 of 1951), shall, so far as may be, apply to an opinion poll as they apply to an election under that Act, and any reference in those provisions to—

(a) the chief electoral officer shall be omitted,

(b) a returning officer and an assistant returning officer shall be construed as a reference to an opinion poll commissioner and an assistant opinion poll commissioner respectively.

* * * * * *

FORM 3

APPLICATION FOR POLL DUTY CERTIFICATE

(*See* rule 7)

To

The Opinion Poll Commissioner,
*Goa/*Daman and Diu

Sir,

I intend to cast my vote in person at the ensuing opinion poll. I have been posted on poll duty at a polling station other than the polling station at which I am entitled to vote.

My name is entered at Sl. No.————in Part No.————of the electoral roll for ————assembly constituency.

I request that a poll duty certificate in Form 4 may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address :

————————

————————

————————

Yours faithfully,

.....

Place————

Date————.

*Strike out the entry not applicable.

FORM 4

POLL DUTY CERTIFICATE

(*See Rules* 7 and 22)

Certified that Shri————————————is an elector for the opinion poll, being an elector in the————————————assembly constituency, that by reason of his being on poll duty he is unable to vote at the polling station where he is entitled to vote, and that he is therefore hereby authorised to vote at any polling station he may be on duty on the date of poll.

Place————————————

Signature————————————

Date———————————— (Opinion Poll Commissioner)

FORM 5

DECLARATION BY ELECTOR

(*See* rules 11, 12 and 40)

*Goa

————————————Opinion Poll.

*Daman and Diu

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number————————has been issued at the above opinion poll.

Signature of elector————————————

Address————————————

Attestation of Signature

The above has been signed in my presence by————————————(elector) who is personally known to me/has been identified to my satisfaction by————————————(identifier) who is personally known to me.

Signature of identifier if any———————— Signature of Attesting Officer————

Address———————— Designation————

Address————

Date————

*Strike out the entry not applicable.

FORM 6

C O V E R

(*See* rules 11, 12 and 40)

(A) NOT TO BE OPENED BEFORE COUNTING

*Goa

————————————Opinion Poll

*Daman and Diu

POSTAL BALLOT PAPER

Serial number of ballot paper.....

*Strike out the entry not applicable.

FORM 7

COVER

(*See* rules 11 and 40)

Cover B	[Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addressee without delay—Rule 11 (3) of the Goa, Daman and Diu (Opinion Poll) Rules, 1966.]	Service unpaid

Opinion Poll—IMMEDIATE

POSTAL BALLOT PAPER

For *Goa

*Daman and Diu

(NOT TO BE OPENED BEFORE COUNTING)

To

The Opinion Poll Commissioner

Signature of sender**

*Opinion poll commissioner to strike out the entry not applicable.

**Opinion poll commissioner to mention here his full postal address.

FORM 8

INSTRUCTIONS FOR THE GUIDANCE OF ELECTIONS

(*See* rules 11, 12 and 13)

Opinion poll in *Goa

*Daman and Diu

The alternatives which are printed on the ballot paper sent herewith are the issues at the opinion poll. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions contained in Part II.

PART I—*Directions to electors*

1. You have only one vote.

2. You must not vote on or near both the symbols. If you do so, your ballot paper will be rejected.

3. Record the vote by placing clearly a mark opposite the symol for which you wish to give that vote.

4. The mark should be so placed as to indicate clearly and beyond doubt whether your vote is for merger or for Union territory. If the mark is so placed as to make it doubtful whether the vote is for merger or for Union territory, that vote will be invalid.

5. An elector shall obtain the attestation of his signature on the declaration in Form 5 by a stipendiary magistrate, or

(a) if he is a member of the Armed Forces of the Union, or of an armed police force of the Union territory but is serving outside that Union territory, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed, or if he is employed under the Government of Inida in a post outside India, by such officer, as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) if he is under preventive detention, by the Superintendent of the Jail or the Commandant of the detention camp in which he is under detention.

PART II—*Instructions for Electors.*

1. (a) After you have recorded your vote on the balot paper, place the ballot paper in the smaller cover marked 'A' sent herewith. Close the cover and secure it a by seal or otherwise.

(b) You have then to sign the declaration in Form 5 also sent herewith, in the presence of a stipendiary magistrate or any other officer competent to attest your signature (*See* direction 5 in Part I above). Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting Officer nor tell him how you have voted.

(c) After your declaration has been signed and your signature has been attested in accordance with item (b), place the declaration Form 5 as also the smaller cover marked 'A' containing the ballot paper in the larger cover marked 'B'. After closing the larger cover, send it to the opinion poll commissioner by post. You have to give your full signature in the space provided on the cover marked 'B' but no postage stamp need be affixed by you.

(e) You must ensure that the cover reaches the opinion poll commissioner *before———— p.m. on the*———————— (date).

(f) Please note that—

(i) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected; and

(ii) if the cover reaches the opinion poll commissioner after*————————p.m. on the *————————(date), your vote will not be counted.

*Here specify the hour and date fixed for the close of the poll.

FORM 9

LIST OF CHALLENGED VOTES
(*see* rule 23)

OPINION POLL IN– *GOA / *DAMAN AND DIU

Polling Station.....

Serial Number of entry	Name of elector	Serial number of		Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier if any	Name of challenger	Order of Presiding	Signature of challenger on receiving refund of deposit
		Part of roll	Elector's name in that part						
1	2	3	4	5	6	7	8	9	10

*Strike out the entry not applicable.

Signature of Presiding Officer.

FORM 10

LIST OF BLIND AND INFIRM VOTERS

(*See* rule 27)

*Goa
———————Opinion Poll
*Daman and Diu

No. and name of polling station.....

Part No. and Serial No. of elector	Full name of elector	Full Name of companion	Address of companion	Signature of companion

Date.....

Signature of Presiding Officer.

*Strike out the portion not applicable.

FORM 11

LIST OF TENDERED VOTES

(*See* rules 29 and 33)

Opinion Poll in *Goa / *Daman and Diu.

Number and Name of Polling Station .....

Part Number, serial number and name of elector	Address of elector	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb-impression of person tendering vote
1	2	3	4	5

Date .....

Signature of Presiding Officer.

*Strike out the entry not applicable.

FORM 12

(*See* rule 32)

PART I—*Ballot paper account*

Opinion Poll in *Goa / *Daman and Diu.

No. and name of polling station .....

	Serial number	Total number
1. Ballot papers received		
2. Ballot papers not used		
3. Ballot papers issued to voters		
4. Ballot papers cancelled		
5. Ballot papers used as tendered ballot papers		

Date ..... *Signature of Presiding Officer.*
.....

*Strike out the entry not applicable.

PART II—*Counting of votes*

Symbol representing	Number of valid votes cast
1. Merger of *Goa in the State of Maharashtra / *Daman and Diu in the State of Gujarat	
2. Continuance of *Goa / *Daman and Diu as Union territory	
Rejected ballot papers	
Total No. of ballot papers found in ballot boxes	

Signature of the counting supervisor .....

Date ..... *Signature of the Opinion Poll Commissioner* .....

*Strike out the entry not applicable.

FORM 13

APPOINTMENT OF REPRESENTATIVE/COUNTING AGENT

(*See* rule 37)

Opinion Poll in *Goa / *Daman and Diu

To

The Opinion Poll Commissioner,
*Goa / *Daman and Diu

I, President / General Secretary of the ..... Party, do hereby appoint Shri ..... as the representative/counting agent of the ..... Pary to attend the counting of votes at .....

Address of representative/counting agent

.....

.....

.....

Signature of .....
of.....Party.

I agree to act as representative/counting agent of.....Party at the counting of votes at.....

Place ..... Signature of representative

Date ..... Counting agent

DECLARATION OF THE REPRESENTATIVE/COUNTING AGENT

(to be signed before the Opinion Poll Commissioner)

I hereby declare that at the above opinion poll I will not do anything forbidden by section 128** of the Representation of the People Act, 1951, as made applicable by section 30 of the Goa, Daman and Diu (Opinion Poll) Act, 1966, which* I have read/has been read over to me.

Signature of representative

Date ..... Counting agent

Signed before me.

Date ..... Opinion Poll Commissioner

*Strike out the inappropriate alternative.

**Section 128 of the Representation of the People Act, 1951 and section 30 of the Goa, Daman and Diu (Opinion Poll) Act, 1966 (Reproduced below).

REPRESENTATION OF THE PEOPLE ACT, 1951

128. *Maintenance of Secrecy of Voting.*— (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

GOA, DAMAN AND DIU (OPINION POLL) ACT, 1966

Other electoral offences.

30. The provisions of sections 125 to 132 and 134 to 136 of the Representation of the People Act, 1951, shall, so far as may be, apply to an opinion poll as they apply to an election under that Act, and any reference in those provisions to— **43 of 1951**

(*a*) the chief electoral officer shall be omitted;

(*b*) a returning officer and an assistant returning officer shall be construed as a reference to an opinion poll commissioner and an assistant opinion poll commissioner respectively.

FORM 14

Final Result Sheet

(*see* rules 40, 42 and 46)

*Goa / *Daman and Diu — Opinion Poll

Polling stations	Number of valid votes cast in favour of: Merger of *Goa / *Daman and Diu with *Maharashtra / *Gujarat	Number of valid votes cast in favour of: Continuance of *Goa / *Daman and Diu as Union territory	Total of valid votes	Number of rejected votes	Total	Number of tendered votes	Remarks
Serial number							
Total number of votes recorded at polling stations							
Number of votes recorded on postal ballot papers							
Total votes polled							

Place.....

Date.....

Opinion Poll Commissioner.

*Strike out the entry not applicable.

FORM 15A

(*See* rule 46)

DECLARATION OF THE RESULT OF THE OPINION POLL IN GOA

I declare that the result of the Opinion Poll taken on the .....day of..... 1967 in Goa is as follows :—

The total number of electors is . . . .

The total number of electors who voted at the Opinion Poll is . . . .

The total number of votes rejected as invalid is . .....

The total number of electors of Goa who are of the opinion that Goa should merge in the State of Maharashtra is . . . .

The total number of electors of Goa who are of the opinion that Goa should continue to be Union Territory is . . . .

Place ....

Date ..... Opinion Poll Commissioner, Goa.

FORM 15B

(*See* rule 46)

DECLARATION OF THE RESULT OF THE OPINION POLL IN DAMAN AND DIU

I declare that the result of the Opinion Poll taken on the .....day of .....1967 in Daman and Diu is as follows :—

The total number of electors is . . . .

The total number of electors who have voted at the Opinion Poll is . . . .

The total number of votes rejected as invalid is . .....

The total number of electors of Daman and Diu who are of the opinion that Daman and Diu should merge in the State of Gujarat is . . ..

The total number of electors of Daman and Diu who are of the opinion that Daman and Diu should continue to be Union Territory . .....

Place..... .....

Date ..... Opinion Poll Commissioner, Daman and Diu.

[No. F. 10/49/66-SR(R)]

K. R. PRABHU, Jt. Secy.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1966